

Office for
Equality and
Opportunity

# Equality Law
# Call for Evidence

Executive Summary

# Executive summary

Between 7th April and 30th June 2025, the Office for Equality and Opportunity (OEO) conducted a Call for Evidence (CfE) to examine how equality law operates in practice and to identify barriers, enablers, and opportunities for reform. The CfE focused on six key policy areas:

- making the right to equal pay effective and addressing pay discrimination;
- improving pay transparency;
- strengthening protection against combined discrimination;
- ensuring the Public Sector Equality Duty (PSED) is met by everyone exercising public functions;
- creating and maintaining workplaces and working conditions free from harassment; and
- commencing the Socio-Economic Duty (SED).

The CfE invited individuals and organisations across sectors – including Civil Society Organisations (CSOs), academic researchers, employers and employee representatives, and public authorities – to share insights on how equality legislation functions across these policy areas, how it is implemented by employers and public bodies, and where it may fall short of its intended outcomes.

Fortia Insight (formerly RSM UK Consulting, an independent research and evaluation consultancy, were commissioned to analyse the CfE responses and prepare a comprehensive summary of the evidence. A total of 176 submissions were received, of which 147 were included in the final analysis following the removal of duplicates and ineligible responses. Of the 147 included submissions, 59% (87) identified themselves as organisations, 19% (28) identified themselves as individuals, 14% (20) identified themselves as academics or researchers, and 8% (12) identified themselves as 'other', including a mix of individuals, groups, and organisations. Submissions consisted of survey responses and supporting documents that respondents attached to their submissions such as research reports, data analyses, and case studies.

Fortia Insight employed both quantitative and qualitative methods in their analyses. The quantitative analysis summarised patterns in the responses to closed survey questions; the qualitative analysis used a structured thematic approach to analyse the open-text questions and generate themes in responses.

## Key findings

### Equal pay

- **Patterns in pay discrimination.** Respondents submitted that pay discrimination persists across sex, race, and disability, and most submissions pointed to wider structural disparities as the root cause. Some respondents mentioned examples that could be considered instances of unequal pay for equal work under the Equality Act 2010. However, most referred to broader inequalities such as occupational segregation, differences in valuing roles, and the availability of flexible working, which are not classified

as unlawful within the current legal framework. Disabled and ethnic minority workers were seen as particularly disadvantaged in terms of pay, with several respondents giving evidence that these groups face multiple compounding barriers, and some submitting views that legal frameworks do not adequately address intersectional discrimination. Respondents called for clearer guidance on equal pay law, clearer law around reasonable adjustments and equal pay claims, improved data collection and pay transparency, stronger enforcement, and changes to job evaluation schemes.

- **Effective equal pay rights.** The majority of respondents submitted that the current legal framework offers stronger protections against sex-based pay discrimination than it does for race – and disability-based pay discrimination. They also supported extending equal pay rights to include these groups but highlighted the need for legal reform to reduce complexity and risk. Respondents cited procedural hurdles, unclear laws, and low rights awareness as key barriers to equal pay. Respondents raised that disabled workers may face financial penalties for reasonable adjustments, and employers often lack clarity on pay impacts. Existing tools supporting equal pay include equality clauses, extended time limits, union assistance, and use of statistical evidence. Persisting challenges are lack of comparable data, legal uncertainty around adjustments, limited legal advice, and fear of retaliation. Emotional and financial burdens, especially for disabled and freelance workers, were also noted. Respondents recommended measures such as allowing equal value comparisons for race and disability claims, simplifying procedural rules, reinstating the Statutory Discrimination Questionnaire, expanding legal aid, and providing clearer guidance on how reasonable adjustments interact with pay.
- **Pay discrimination experienced by outsourced workers.** Respondents gave evidence that outsourced workers – who are more likely to be women, ethnic minority workers, disabled people, and migrants – were at heightened risk of pay discrimination, particularly in low-paid sectors such as cleaning, catering, and care. Respondents believed that outsourcing often leads to lower pay as current legal frameworks stop outsourced workers from comparing their pay with directly employed staff. Recommendations submitted by respondents focused on the need to clarify pay comparison rules, extend liability to principal employers, strengthen protections for outsourced workers, and integrate socio-economic analysis into public procurement.
- **Enforcement of the equal pay scheme.** Most respondents gave evidence that illustrated concern about weak enforcement of equal pay protections. The Equality and Human Rights Commission (EHRC) was described as under-resourced and reactive, with limited strategic litigation or proactive investigation of pay disparities. Other challenges to enforcement included lack of awareness of legal rights and procedural delays. Factors that were described as supporting enforcement include the EHRC's legal powers, union-led group claims, and the potential for strategic litigation to drive systematic change. Respondents recommended establishing a dedicated Equal Pay Enforcement Unit, allowing trade unions and charities to bring collective claims, improving access to legal support, and enhancing accountability (e.g. through clearer enforcement guidance, specialist tribunal panels, and mechanisms to ensure transparency in settlement outcomes).

### Improving pay transparency

- **Impact of pay transparency measures.** Respondents submitted that pay transparency measures can support pay equality, but its impact varies across sectors, pay types, and groups. Specific positive measures that were mentioned by

respondents include standardised and transparent pay bands, established job grading, organisational readiness (e.g. leadership commitment), and clear communication around pay transparency. Respondents also submitted several challenges in implementing pay transparency measures, including limited and inconsistent pay data (especially on race and disability), difficulty in assessing pay in sectors with variable pay, confidentiality risks, and risk of employee dissatisfaction if pay differences were revealed without clear plans to address them. Recommendations included extending mandatory pay gap reporting to race and disability, standardising data protocols, implementing clearer government guidance, and phasing implementation to support smaller employers.

- **Effectiveness of Equal Pay Audit regulations.** Respondents submitted evidence that the Equal Pay Audit regulations have had limited impact in practice. Respondents reported that tribunals can be reluctant to impose audits, and when they do, the scope is often narrow and enforcement minimal. High thresholds to trigger audits, multiple exemptions, and reliance on individual litigation were identified as key limitations of Equal Pay Audit regulations. Respondents also cited challenges such as poor pay records, fragmented HR systems, leadership resistance, and lack of internal expertise. To strengthen the system, respondents recommended allowing for proactive or randomised audits, requiring publication of findings, empowering regulators to initiate reviews based on risk indicators rather than waiting for individual litigation, and requiring broader reviews when patterns of inequality are likely.
- **Impact of extending Equal Pay Audits to race and disability.** Many respondents, particularly CSOs and employee representatives, supported extending Equal Pay Audits to cover race and disability. However, other respondents warned that without broader reform, the existing post-tribunal model would limit impact. Respondents did not submit evidence on the impact of extending Equal Pay Audits to cover race and disability on pay transparency. However, they identified a few challenges, such as weaknesses in the current audit model (e.g. narrow in scope), additional administrative or financial burdens, challenges in collecting accurate data, and lack of in-house expertise in equal pay analyses. Respondents called for clearer legal guidance, consistent audit frameworks, and sector-specific support, as well as aligning audits with existing pay reporting systems and using publicly funded toolkits or sample-based methodologies to reduce audit costs.

### Strengthening protections against combined discrimination

- **Prevalence and patterns of combined discrimination.** Most respondents gave evidence that combined discrimination is widespread across the UK, and is often shaped by workplace culture, stereotypes, and structural inequalities. Respondents noted that limited legal recognition and inadequate intersectional data hinder effective identification and action. They called for improved data collection to capture overlapping characteristics, extending data reporting beyond headline pay gap figures, and embedding intersectional approaches in workplace policies and Equality Impact Assessments (EIAs).
- **Legal protection against combined discrimination.** Most respondents felt that the current legal framework does not adequately address combined discrimination. Several believed that, in practise, claimants must bring or evidence claims separately for each protected characteristic, even when the discrimination arose from a single act. Respondents linked this perception to the absence of Section 14 of the Equality Act 2010 and case law requiring proof for each characteristic independently. They viewed this as problematic because, in their experience, it fragments intersectional experiences, adds complexity and cost, and can make it harder for individuals facing overlapping forms of

discrimination to access justice. However, under current law, a claimant can bring one claim alleging discrimination on multiple protected characteristics. They must, however, provide evidence that discrimination occurred on each ground. This requirement ensures that claims succeed only where there is sufficient evidence for each characteristic. Additional barriers submitted include short time limits, lack of legal aid, and the requirement to identify separate comparators. Recommendations included commencing or expanding Section 14 of the Equality Act 2010, developing clear accessible guidance on how combined discrimination claims can be brought (both for judges and tribunal members as well as for potential claimants and advisors), and creating training materials with case studies demonstrating how to successfully navigate the claims process.

- **Access to redress in cases of combined discrimination.** Respondents reported that procedural barriers (e.g. the perception that a separate claim is needed for each demographic characteristic), low public awareness of what combined discrimination is, and limited cultural competence in grievance mechanisms (e.g. intersectional harms being dismissed or overlooked) restrict access to redress. Several respondents submitted evidence that trade unions, CSOs, and community-led services played a key role in supporting claimants. Recommendations for improving access to redress included improving access to legal aid in cases of combined discrimination, clarifying tribunal guidance, raising public awareness (e.g. via public education campaigns), and recognising caste as a standalone protected characteristic.
- **Effectiveness of commencing Section 14 of the Equality Act 2010.** Most respondents supported commencing Section 14 to fill current legal gaps and simplify proceedings. However, a majority of respondents cautioned that its limited scope (i.e. covering only direct discrimination and only up to two characteristics) would reduce its practical effectiveness by preventing it from addressing indirect discrimination, harassment, or more complex intersectional cases. Recommendations focused on commencing Section 14 with clear guidance and training, extending its scope (i.e. to include indirect discrimination and harassment, and allow more than two characteristics per claim), taking steps to ensure practical effectiveness, and embedding intersectionality in tribunal procedures and public sector duties.
- **Effectiveness of other actions.** Respondents submitted that factors including inaccessible tribunals and inadequate data structures, prevent people from reflecting their lived experience in legal claims. A few respondents noted that community-led services were better able to respond to combined discrimination than mainstream services as mainstream services lacked strong enforcement mechanisms and accountability across public bodies. Key recommendations included strengthening the Public Sector Equality Duty (PSED), improving data infrastructure, investing in community-led services, providing intersectionality and cultural competency training for professionals, and introducing intersectional impact assessments.

### Ensuring the Public Sector Equality Duty (PSED) is met by all parties exercising public functions

- **Overall compliance.** Respondents reported inconsistent compliance with the Public Sector Equality Duty (PSED) among non-public bodies (NPBs), citing low awareness, limited accountability, and unclear legal obligations. Several CSOs submitted that charities and housing associations often overlook their PSED obligations, resulting in minimal

impact on equality outcomes. Respondents noted that weak compliance can lead to exclusion from services. In contrast, embedding PSED requirements into contracts was found to improve service accessibility and inclusion.

- **Barriers of compliance.** Respondents submitted that key barriers to compliance by NPBs include poor awareness (especially among smaller or voluntary organisations), legal ambiguities, gaps in statutory frameworks (e.g. the absence of mandatory Equality Impact Assessments in England), insufficient EHRC enforcement due to lack of funding, vague guidance, and limited organisational capacity or resources to embed equality practices.
- **Enablers of compliance.** Respondents identified clear contractual requirements, active monitoring, and integration of equality into procurement processes as effective enablers of compliance. Additional enablers included targeted training on the PSED and Human Rights Act, strong commissioner-provider relationships, disaggregated data publication, and dedicated internal equality roles.
- **Effectiveness of enforcement.** Enforcement mechanisms were widely viewed as weak. Respondents submitted that oversight was limited, breaches of duty were rarely challenged, and judicial review was often inaccessible due to cost and complexity. Respondents reported underuse of EHRC powers and blurred accountability between public and private bodies delivering public services. Some also raised concerns about quasi-public bodies using public funds to contest equality claims which could discourage whistleblowing and legal challenges.
- **Suggested steps to facilitate compliance.** Respondents made a series of recommendations aimed at improving compliance, including updating sector-specific guidance, strengthening enforcement and access to redress, and embedding PSED in procurement through mandatory EIAs and contract clauses. Respondents also called for improved training and support for smaller organisations, greater data transparency (including workforce reporting and annual objectives), and a shift towards an outcomes-based approach. Additional proposals included aligning with international human rights standards, prioritising vulnerable sectors (i.e., care homes, prisons, special schools, and other sectors where individuals have low choice and high vulnerability), and applying financial controls to ensure accountability and value for money in publicly funded services.

### Creating and maintaining workplaces and working conditions free from harassment

- **Creating and maintaining workplaces and working conditions free from harassment.** Respondents submitted evidence on a range of employer-led actions to prevent or reduce workplace sexual harassment. Respondents detailed that effective approaches included accessible and confidential reporting systems, standalone sexual harassment policies with clear procedures and disciplinary measures, regular and trauma-informed training, visible leadership commitment, and risk-based assessments for specific roles and contexts. However, evidence on implementation challenges were also submitted. These included overuse of non-disclosure agreements (NDAs), lack of legal requirements for risk assessments, underreporting, overgeneralised training, normalised inappropriate workplace cultures, limited leadership accountability, and a lack of monitoring and evidence. Recommendations included legally mandating sexual harassment policies, establishing independent reporting channels for large employers, strengthening leadership accountability, improving data transparency, and providing tailored guidance for organisations of different sizes and sectors.

- **Scope of protections against sexual harassment for volunteers.** Respondents submitted evidence on whether protections under the Equality Act 2010 should be extended to volunteers. Most respondents agreed that volunteers needed more protection. However, there was disagreement on whether protections should cover all volunteers. Respondents identified barriers to extending protections to volunteers, including a lack of legal definition of volunteers, potential administrative burdens, legal liability, and risks of over-regulation or blurring distinctions between volunteering and employment. In addition to amending the Equality Act 2010 to explicitly cover volunteers, recommendations included clear guidance and training for organisations, proportionate regulatory measures, flexible implementation, consultation with smaller organisations, and updates to the EHRC guidance. Existing safeguards for volunteers that were also identified by respondents include organisational policies and sector-led initiatives, and legal protections such as health and safety or whistleblowing legislation.
- **Other steps to prevent workplace sexual harassment.** Respondents submitted evidence on broader government actions to improve accountability and protection against workplace sexual harassment. Suggestions included mechanisms to improve public accountability, involvement of support services that cater to diverse populations, and greater involvement of trade unions in promoting safer workplace culture. Respondents also gave evidence on current gaps in legislation, such as limited protections for freelancers and third-party harassment. Other challenges included lack of visible consequences for employers, tribunal processes which could be retraumatising to victims, unclear definitions of 'reasonable steps', and under-resourcing of enforcement bodies such as the EHRC. Recommendations for government reforms included clearer regulatory guidance, mandatory publication of disaggregated harassment data, and national safety standards. Recommendations for legal reforms included introducing new protected characteristics under the Equality Act 2010 to extend protections, stronger EHRC enforcement powers, and replicating international models.

### Implementing the Socio-Economic Duty (SED)

- **Scotland and Wales statutory implementation.** Respondents described how public bodies in Scotland and Wales implemented Socio-Economic Duty (SED) through mechanisms such as strategic planning, procurement, and impact assessments. While some evidence showed improvements in service design and targeted support, others highlighted inconsistent application, limited engagement, and weak evaluation. Factors that facilitated implementation included the statutory basis of the SED, integration into existing strategic planning, backing from political leaders, access to relevant data, civil society participation, and consistency with wider anti-poverty initiatives. Barriers to implementation included inconsistent interpretation, weak enforcement, limited outcome tracking, and duplication with the Public Sector Equality Duty (PSED). Recommendations for future implementation included ensuring legal enforceability, providing structured practical guidance on applying the SED, securing leadership buy-in, resourcing implementation adequately, and embedding the SED into combined impact assessments.
- **England voluntary adoption.** Respondents provided evidence that a growing number of English public bodies had voluntarily adopted the SED or incorporated socio-economic considerations into decision-making. However, evidence suggested implementation was often inconsistent or seen as symbolic, with limited evidence of evaluation, transparency, or measurable outcomes. Factors that facilitated adoption included political and organisational leadership commitment, integration into existing processes (such as Equality Impact Assessments and procurement), use of socio-economic

background data, participatory approaches involving lived experience, and regional collaboration. Barriers that hindered adoption included the absence of statutory guidance and enforcement, weak monitoring mechanisms, poor data infrastructure, inconsistent definitions, and limited participation due to digital exclusion, geographic isolation, and low confidence among disadvantaged groups. Recommendations included statutory commencement of the SED in England, clearer national guidance with standardised indicators, stronger data systems, and participatory engagement. Respondents also called for co-production with affected communities and integration of socio-economic analysis into procurement, budgeting, and governance, alongside structural reforms to improve transparency, accountability, and long-term impact.